



**MINUTES
SCOTTSDALE PLANNING COMMISSION
KIVA – CITY HALL
3939 N. DRINKWATER BOULEVARD
JANUARY 28, 2003**

PRESENT: David Gulino, Chairman
James Heitel, Commissioner
Kay Henry, Commissioner
Tony Nelssen, Commissioner
Kevin Osterman, Commissioner
Steve Steinberg, Commissioner

ABSENT: Charles Lotzar, Vice Chairman

STAFF: Pat Boomsma
Tim Curtis
Donna Bronski
Keith Niederer
Kevin Sonoda
Jerry Stabley
Bill Verschuren
Barbara Burns
Randy Grant

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:05 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COMMISSIONER OSTERMAN read the opening statement which describes the role of the Planning Commission and the procedures used in conducting this meeting.

CHAIRMAN GULINO stated case 3-TA-2002#2 would be moved from the expedited to regular agenda.

APPROVED

EXPEDITED AGENDA

1. 27-UP-2002 (Fitproz Studio) request by Cawley Architects, applicant, Kathryn K. Pew, owner, for a conditional use permit for a health studio on a 3.16 +/- acre parcel located at 9151 E Bell Road #102 with Industrial Park, Planned Community district (I-1 PCD) zoning district.

MR. NIEDERER presented this case as per the project coordination packet. Staff recommends approval of the Use Permit subject to the attached stipulations.

COMMISSIONER STEINBERG inquired if the current zoning allowed any manufacturing near this proposed facility. Mr. Jones stated the I-1 District is more of an office warehouse with some light manufacturing allowed. The heavier manufacturing is in other districts C-4 commercial districts.

COMMISSIONER OSTERMAN MOVED TO FORWARD CASE 27-UP-2002 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL INDICATING IT DOES MEET ALL OF THE USE PERMIT CRITERIA. SECOND BY COMMISSIONER HENRY.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ONE (1) WITH COMMISSIONER NELSEN DISSENTING.

2. 30-UP-2002 (Bill Heard Chevrolet) request by Jekel & Howard, L L P, applicant, Twentieth Century Land Corporation, owner, for a conditional use permit for new and used automobile sales on a 11 +/- acre parcel located at 8705 E McDowell Road with both General Commercial (C-4) and Highway Commercial (C-3) zoning.

(COMMISSIONER HENRY DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE DISCUSSION OR THE VOTE.)

MR. CURTIS presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations. Mr. Curtis stated the Economic Vitality Department passed out a memo during study session.

COMMISSIONER STEINBERG inquired what kind of signage are they proposing for this facility. Mr. Curtis replied they have not worked through the sign package but they are proposing signage at two locations.

Commissioner Steinberg inquired if the applicant has submitted a lighting package. Mr. Curtis replied there is a stipulation regarding low-level lighting and low-screened lighting at the parking garage south side of the site to ensure they don't have light trespass into the neighborhood. On the north side of this site, they will be working with them through the DR Board process to determine the type of lighting.

Commissioner Steinberg inquired if they would be utilizing the existing left median break or revamping that median. Mr. Curtis reviewed the access to the site. Commissioner Steinberg inquired if there would be any conflict points with the residential neighborhood.

APPROVED

Mr. Curtis stated staff reviewed the traffic study many times to eliminate as many conflict points as possible. Commissioner Steinberg remarked delivery was a concern of staff. He inquired if that has been mitigated to their satisfaction. Mr. Curtis replied in the affirmative.

COMMISSIONER HEITEL stated he would like to commend the applicant on the site plan for creating the 50 foot buffer between the site and the residential area. It is a meaningful buffer and is very sensitive to the neighbors to the south.

CHAIRMAN GULINO inquired if there would be a detailing operation at this site such as prep work and washing the vehicles. Mr. Curtis stated there have been conversations regarding this issue. If the cars get dusty they will spray them down and do a little prep work on the east side of the garage.

COMMISSIONER NELSEN remarked detailing can be a broad description and could include servicing of vehicles. Mr. Curtis stated the service change orders would be done at the existing facility at Scottsdale and McDowell.

COMMISSIONER STEINBERG MOVED TO FORWARD CASE 30-UP-2002 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL INDICATING IT DOES MEET ALL OF THE USE PERMIT CRITERIA. SECOND BY COMMISSIONER HEITEL.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0) WITH COMMISSIONER HENRY ABSTAINING.

3. 3-TA-2000#2 (Wireless Communications Ordinance Text Amendment) request by City of Scottsdale, applicant/owner, to update Ordinance No. 455 (Zoning Ordinance) pertaining to Wireless Communications Facilities.

MR. STABLEY provided a brief review of the direction staff received from the Planning Commission at the January 22nd meeting on the five outstanding items.

Mr. Stabley discussed #1A Public Notice for New Facilities. He reviewed the proposed options.

COMMISSIONER NELSEN requested staff define residents. He stated what he is getting at if it is inhabitants of all offices and schools or is just people who live in structures that is residentially zoned. Commissioner Nelsen stated just to make this clear, if a wireless facility was going in next to a office building where people work all day long those tenants would not be notified. Mr. Stabley stated if it were a use permit case the city could still send out letters to property owners who could make their tenants aware. Commissioner Nelsen inquired if tenants would be notified under staff approvals. Mr. Stabley stated under the draft ordinance they would not be noticed. Ms. Bronski stated the notice statute for zoning cases refers to property owners and it is under their purview whether or not they pass that information along.

Mr. Stabley discussed #1B Public Notice for Existing Facilities. He reviewed the proposed options.

COMMISSIONER HENRY inquired if the map of existing facilities would be included in the ordinance. Mr. Stabley replied that would be a supplement to the ordinance and would be included in the guidelines.

COMMISSIONER NELSEN stated he has always had a big question mark when it comes to guidelines because they are not enforceable. Mr. Stabley stated it is not something that the City requires but it could be easily done.

Mr. Stabley discussed #2 Radio Frequency Electromagnetic Fields (RF). He reviewed the proposed options.

COMMISSIONER HENRY inquired if the written report would be separate from what they submit to the FCC or if it would be the same report they submit to the FCC. Mr. Stabley stated they would request a report that would be easier for the staff to understand but they have not determined exactly how it would read.

COMMISSIONER NELSEN stated he has a question regarding Option A that states: "Written Report from providers that documents RF emissions from new antennas includes all exiting antennas with 150 feet of the proposed antenna." He inquired about the combined effects of the RF emissions that are in excess of 150 feet. For example if there were a wireless facility on every ball field light some of the lights would be further than 150 lights and would not be included in the ordinance. He stated he would like to state on the record that is something that needs to be looked into as this moves forward to the City Council.

COMMISSIONER STEINBERG stated they could solve that by just banning these facilities from all schools or school play fields.

Mr. Stabley discussed #3 Continued Monitoring. He reviewed the proposed options.

COMMISSIONER NELSEN stated Option B states: "Written report from providers every 5 years that documents RF emission. He inquired if a document is different from monitoring. Mr. Stabley stated the intent is not for them to go out and physically monitor the site. The intent was to have the providers provide documentation that they are within normal operating standards.

COMMISSIONER HEITEL stated there was testimony last week that the wireless providers on a routine basis monitor those facilities internally so it was implied that the providers had knowledge of those facilities as they progressed overtime.

COMMISSIONER STEINBERG stated he was assuming that the monitoring was for health related reason and he felt it would be more satisfactory to have independent monitoring verses having the providers monitor themselves. Mr. Stabley stated the presentations that follow his would cast more light on those issues.

Mr. Stabley discussed #4 WCF in Flagpoles. He reviewed the proposed options.

CHAIRMAN GULINO stated the current ordinance states: Use Permit approval required. He inquired if it these applications are reviewed by the DR Board. Mr. Stabley stated if no DR issues exist they would not go before the DR Board.

COMMISSIONER NELSEN stated he would like to clarify that at the point where a facility goes before the Development Review Board it is already a done deal and the DR Board would only address the aesthetic issues.

Mr. Stabley discussed #5 Indemnification. He reviewed the proposed options.

COMMISSIONER STEINBERG inquired if indemnification applied to the owners of the sites or just the city. Mr. Stabley replied in this circumstance they are just talking about the city's indemnification.

MS. BRONSKI discussed the Telecommunications Act of 1996. She stated that the City may ask for some documentation of the level of RF emission but know the City cannot regulate or prevent siting of wireless facilities based of RF emissions.

MR. SONODA presented information on RF exposure. He provided a graphic of RF Exposure Comparisons as they related to FCC standards. He stated RF exposures from WCF are very small compared to the limit allowed.

COMMISSIONER NELSEN stated he has seen technicians come off of towers that worked on them when they were hot with blisters on their arms from RF emission. He further stated it is astonishing that the graphic indicates the WCF are safer than a baby monitor is. Obviously, there is a lot of middle ground.

MR. SONODA provided information on the uncontrolled environment. He reported the uncontrolled environment would be at ground level for civilians and when technicians are climbing those towers at those controlled environment it generates a lot higher output of energy.

COMMISSIONER STEINBERG inquired if they are aware of long-term effects of low level exposure. Mr. Sonoda stated long-term studies are being conducted and according to the studies and research being done by a number of organizations including the World Health Organizations and other countries and other entities within the United States they have not shown any conclusive evidence of any damage longitudinally of RF exposure at these levels.

CHAIRMAN GULINO requested an explanation between PCS and WCF. Mr. Sonoda stated it is two bands of frequency.

MR. SONODA provided additional information on MPEu, maximum permitted exposure limits. He also provided information on stacking carriers together. He reported the output levels have a very significant margin to the limit even with all of the carriers operating at the same time.

COMMISSIONER STEINBERG inquired if there are four providers on one tower and they split channels would that equate to 100 percent on that one tower. Mr. Sonoda

replied in the negative. He stated there is only so much energy output in a given site. He further stated it would only be at 4 percent so you would have to go a long way in order get to the 100 percent level.

COMMISSIONER NELSEN stated legal counsel has stated the Commission is not here to discuss the safety of RF emission but that is exactly what they are doing. The issue is how do they make sure the facilities remain in compliance. Ms. Bronski replied that is correct but this is a prevailing issue to members of the public and the Commission so they have attempted to provide some scientific facts.

MS. BRONSKI stated there might not be any legal benefit to requiring indemnification other than at a policy level. She further stated some level of indemnification is probably legal and permissible.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

JANE RAU, 8143 E. Dale Lane, stated this has been a three-year project and has been reviewed and discussed by many people. She further stated she is in favor of this being put in place for the protection of various individuals and knowledge ahead of time when something is being forced into their area, which is not how it has been done in the past. She remarked it is time to move this forward.

BOB KRATZET, 6832 E. Paradise Drive, stated this needs to be moved forward to the City Council. He further stated the five remaining issues are sticking points but they have always been sticking points. He commented the recommendations represent a very good compromise between all of the parties. He further commented he would suggest that disclosure of all wireless facilities would be part of the ordinance.

KEVIN HOWELL, 5239 N. 69th Place, representing Verizon Wireless. He stated he felt this ordinance should be moved forward to the City Council. He further stated he felt the correct balance has been struck. He noted he hopes they do not reopen the issue of indemnification this evening but if they do reopen it because they are worried about towers falling that is a building safety issue. He further noted the issue of RF is not within their purview.

MORRIS MICKELSON, 2601 W. Broadway, stated he would like to compliment Commissioner Steinberg on some of his questions because it shows that he is paying attention and trying to learn. He provided information regarding splitting channels also referred to as combiners.

Mr. Mickelson stated with regard to prohibiting wireless facilities at public schools, he felt they were ignoring the fact that those public schools already have two-way radio systems for security and a lot of schools have microwave systems in operation and more and more schools are moving to wireless Internet service for their students. He reported those systems put out more power than their systems.

Mr. Mickelson stated with regard to community notification, they cannot require the schools to provide the names of the parents of all of the students because of privacy

issues. He further stated he can find out who owns the property but he cannot find out who the renters are.

Mr. Mickelson reported if by chance something happened that shorted out their equipment they would still be well under the allowed limit.

COMMISSIONER NELSEN inquired if Mr. Mickelson could offer an opinion regarding what the resistance was to supplying documentation stating they comply with the FCC guidelines. Mr. Mickelson replied the resistance is they would have to perform tests that are not necessary and they do not have the people on staff to do that. Commissioner Nelsen stated what is being suggested is only to require documentation once every five years.

NICK WOOD, One Arizona Center, Phoenix, AZ, Snell & Wilmer, representing T-mobile and APS, stated he is especially sensitive to the question of safety. He further stated in 1993 he built a house near a church with a wireless facility and he was concerned about his family's health. He remarked he and his wife did their own research and found these facilities are safe. He further remarked people's fears about RF emissions are unfounded.

OCTAVIO LAMAS, 7145 E. 1st Street, representing Qwest Wireless, stated there are 222 sites in the City of Scottsdale and only four are flagpoles. It is not a problem. It should not be banned. It was never the intention of the Ideas Committee to ban them.

ARTHUR MONES, 15050 N. Thompson Peak Pkwy, spoke in opposition to this request. He stated he would like to thank Mr. Sonoda for giving them confidence on radiation. For using propaganda charts from Qwest and other organizations. He presented information on the National Environmental Policy Act. He read the paragraph of the Telecommunications Act regarding compliance requirements. He remarked they should ask themselves if at some point RF is no problem as was stated or suggested by the industry because they are always in compliance why is there the fanatic resistance to monitoring. Why should they if they are always in compliance. He further remarked the Federal government has no problems with Scottsdale monitoring. Scottsdale is in the position to draft a good ordinance such as the Sunnyvale ordinance.

GINNIE ANN SUMNER, 3333 E. Camelback N0. 280, stated she was a member of the Ideas Team. She further stated she does not understand the purpose of notification on a stealth application. She remarked if the goal is to have stealth she does not know why they are not allowing flagpoles.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

COMMISSIONER OSTERMAN stated he supports this material going forward to the City Council for approval. He further stated there still needs to be a little tweaking to the ordinance. He reviewed his understanding of the 1996 Telecommunications Act. Based on the 1996 Telecommunications Act they could not deny the permit for construction of that facility based on the power output anyway. So he does not understand why they don't have the telecommunications industry when they are going to construct a wireless

communications facility certify they are in compliance with FCC as opposed to giving numbers they can't use any way unless it is in excess of the FCC requirement.

Commissioner Osterman stated he felt that banning flagpoles for wireless facilities is a bad idea. He further stated please don't think I am unpatriotic. The fact is banning the use of mono poles with flags flying on it all it really accomplishes is it takes a seldom used option out of the toolbox of wireless communication providers. He remarked he did not think monopoles in any way crassly take advantage of the American colors or desecrate the flag. He commented his personal recommendation to City Council not exclude monopoles for flag poles from the ordinance other than that it is good to go. He added he felt use permit approval should be required.

COMMISSIONER HEITEL stated he would support the draft ordinance with the outstanding issues as they discussed and had presented in front them today and discussed last week. He further stated he would like to thank all those opposed and unopposed to these passionate issues. He remarked he felt it was the job of the Commission to move something forward to the City Council and try to achieve a balance. A realistic balance that benefits the City but still provides the tremendous benefits of the wireless facilities to the City. I have no difficulty weaving our way through some of these issues

Commissioner Heitel stated he would like to see clarification to the word documents on item No. 3 that it indicates that every five years that it is documented that the wireless communication facility complies with the FCC regulations. He further stated he would also accept that same language as Commissioner Osterman just indicated on Item No. 2 so that we are not asking for technical information we are asking for indication that it is in compliance when the facility is installed. The other item in regards to the flagpoles he could continue to support the disallowance of the use of flagpoles. He noted he is sympathetic to those that may be offended by it. He further noted the ordinance provides for monopoles without a flag on them, but out of respect for those that are offended by the commercialization of that flag he will continue to support that.

COMMISSIONER STEINBERG stated he is new on the Commission and he knows they have been working diligently for three years and he apologized for not agreeing with a lot of what he has heard. He further stated he is looking at this from a health and environmental issue. He commented he felt they needed to explore a regional approach to siting these towers. He further commented wireless technology is something that is hard to get our arms around especially with all of the scientific information they have heard today. He remarked he felt the long-term low-level exposures are a medical threat. He further remarked he has read studies in the last week, which support that assertion. He discussed the information from the studies he has read regarding this issue. He commented he is comfortable in stating that the FCC standards are inadequate.

Commissioner Steinberg reiterated the fact that they need to have a regional approach in siting transmitters. He stated he felt they need to establish by right zones and keep them away from residents, establish large setbacks, keep them away from schools, and hospitals. He further stated he felt it is very important that we have independent annual monitoring and it needs to be done by independent engineering sources. He noted he is

in favor of indemnification. He reiterated he felt if everything was safe monitoring and disclosure would not be an issue. It would be something that voluntarily came from the industry.

COMMISSIONER HENRY stated the first time this was before the Commission she talked about using a cautionary approach because of the unknown and that is something the city needs to think about because there is the unknown. She further stated they are not suppose to talk about the health issues because there are standards developed by the FCC. Some people say they are okay. Some people say they are not okay. So, for protection purposes and because of the unknown a cautionary approach needs to be input. She reported she will be supporting approving the wireless ordinance to the City Council but does want to make comments on issues they are addressing tonight.

Commissioner Henry stated regarding public notice for existing facilities she believes there needs to be a statement in the ordinance that states: All existing facilities will be available to people through maps provided by the city. On the continuing monitoring, she felt five years is not enough. In the case of documentation that states they are in compliance should be done annually. She further stated based on what was said earlier when a problem in the field occurs the system shuts down and somebody corrects the problem. She remarked she felt that information should be included in the annual report. The report would indicate they comply with the FCC regulations but would list the problems that occurred that they had to fix.

Commissioner Henry stated that with regard to indemnification she felt there should be some indemnification to the city. It was stated at the last meeting everyone else has to provide some indemnification. She further stated if something were to go wrong with the site or there is an accident if there is something where the City could be liable and a lawsuit brought against she felt in the ordinance there should be some indemnification.

COMMISSIONER NELSEN stated he was the one who made the motion to approve the wireless ordinance to send to City Council but he did have the caveat and that was the five outstanding issues he felt very strong about because they are the glue that held this document together. He further stated he felt this would move forward to the City Council but he would not be supporting it. He remarked he had to cut his teeth on the City process with the wireless industry and it was not a positive experience. Whenever they could cut corners, they did. He further remarked it was unfortunate that each municipality has different rules. There needs to be a regional set of rules so that one community does not have an advantage over the other.

Commissioner Nelsen stated there is the outstanding issue of continued compliance and how do they know if every site is in compliance. He further stated it has been his experience with four providers that could not follow or respect simple DR Board stipulations. They were walked through the process made presentations made guarantees they were not committed to and not fulfilled in the field that is a problem with the process. They do not have a monitoring process and that is why some of the wireless team were very vehement about having an extra level of protection to assure compliance.

Commissioner Nelssen stated that with regard to the issue of flagpoles the only reason there are so few facilities on flagpoles is because they require a use permit process. It was stated by a number of providers that the use permit process was death to the site. Going through the process is not worth it. What the industry wants is staff approval and DR approval in environmentally sensitive land areas. He concluded he appreciates everyone's time and effort and hopes this goes forward to the City Council for further discussion.

CHAIRMAN GULINO stated he would support the ordinance as drafted here tonight with one exception. Flagpoles should be allowed through the use permit process. He further stated that with regard to the RF emission issue it is an area that will have continuing attention given to it especially given our society is going more to wireless. He further stated he felt they could develop better information that will probably come in time. He noted he would concur with what the attorney said regarding their responsibility and jurisdiction. He further remarked he would encourage people that have real concerns on this to continue but this is not the right venue. They should contact their State legislatures and congressmen and start hammering on the industry as well as the FCC that is where that fight needs to happen to effect some change and get good information.

COMMISSIONER HEITEL stated the technology is always changing and he felt the city would keep up with those changes in the industry.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 3-TA-2000#2 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL ON THE OUTSTANDING ISSUES AND FOR APPROVAL OF THE DECEMBER 18TH AND JANUARY 22ND DRAFT ORDINANCES. ALSO INCLUDE THAT WE FORWARD TO THE COUNCIL THE DETAILED MINUTES THAT WILL REFLECT THE COMMISSION'S DETAILED COMMENTS MADE IN CLOSING STATEMENTS SO THAT THE CITY COUNCIL CAN SEE THE ISSUES THEY ARE DIVIDED ON. SECOND BY COMMISSIONER HENRY.

THE MOTION PASSED BY A VOTE OF FOUR (4) TO TWO (2) WITH COMMISSIONER NELSEN AND COMMISSIONER STEINBERG DISSENTING.

CHAIRMAN GULINO stated this case would be going before the City Council on March 4, 2003.

20-ZN-1995#2 (WestWorld Development Plan Revision) request by City of Scottsdale, applicant, U S Bureau of Reclamation, owner, to amend the WestWorld Development Plan for 340 +/- acres located at 16601 N Pima Road.

MS. GUNDERMAN presented this case as per the project coordination packet. She stated at the study session she provided a handout of modification to the additional information portion of the packet that alerts the DR Board to review a noise control plan as part of the application. Staff recommends approval, subject to the attached stipulations.

BARBARA BURNS provided background information on WestWorld. She presented a historical overview on the master plan update. She discussed the City's relationship with the Bureau of Reclamation. She reported on the current activities with WestWorld. She

reviewed what the update would accomplish. She further reported there is a strong commitment from the City Council to continue to support all equestrian events including the smaller ones. She noted they realize there is some concern in the community with the updated plan that the rental cost of the facility would need to be priced higher and this would drive the smaller equestrian events away. She further noted the plan does not recommend raising the rates significantly.

DAN LARE, BRW/URS, discussed the extensive public involvement process that took place. He stated the perceived issues that needed to be taken care of in the development of the master plan include:

- Traffic
- Noise
- Light
- Dust
- Visual Quality

Mr. Lare reviewed the proposed changes and additions to the facility. He reported the intent is to make WestWorld a 12-month facility as opposed to a 6 to 8 month facility. They have attempted to take advantage of the best land use potential. He further reported they want to ensure that the character of this facility stays western. He discussed how they would re-organize the parking areas. He concluded they have attempted to re-organize the existing WestWorld to maximize a 12-month operation.

COMMISSIONER NELSEN stated in their packet under Threats it states: "Some WestWorld equestrian user groups may shift to other local/regional facilities if rates are significantly increased at WestWorld". He inquired if there were discussions regarding bringing state fairs to WestWorld. Mr. Ekblaw stated he would like to make it clear that there have not been any discussions regarding bring the state fair and there is no intention to do so.

Commissioner Nelssen stated in the report the Vision states: "WestWorld is a premier, nationally recognized, user-friendly equestrian center and special event facility serving our community and target market visitors." He inquired if there were any assurance that if he or anyone else got together with a couple of friends who wanted to use the facility that it would be user-friendly and more importantly they could afford to use the facility. Ms. Burns replied their intent is to keep the facility affordable. She stated they are building a trailhead so the facility will be accessible at all times for the drop in smaller users. Commissioner Nelssen stated as they increase the intensity of use on this facility it becomes less desirable for "drop in users" or anybody who wants to go there to ride. He further stated he hopes as they look at additional uses there is not a built in conflict. He noted having the facility available is one thing but to facilitate getting there in a reasonable time frame and not having to fight traffic with competing interests.

COMMISSIONER HEITEL stated he would applaud the desire to upgrade this to a major equestrian facility that can accommodate signature events, but at the same time serve the community. He further stated one of his fundamental concerns looking at the site plan is that he starts to get the sense that it is divided into equestrian and non-equestrian uses and he is concerned about the compatibility. He remarked he is also concerned

that this facility would be turned into a special event facility but that would drive away the world class equestrian concept. He further remarked he gets that sense from the market research study that was done. He commented he gets a little angst about the tendency to utilize a portion of WestWorld for special events and performance venues that could be problematic to be side by side with equestrian uses.

Commissioner Heitel expressed his concern regarding the smaller equestrian user groups shifting to other facilities if rates are significantly increased. He stated this is a concern that needs to be addressed.

Commissioner Heitel stated there is a disconnect between what he is hearing and what he has read. He further stated he has a difficult time getting with this plan without some definitive recommendation regarding how the smaller groups would be affected by these fees.

Mr. Lare reported that their consultants are equestrian architects. He provided additional information on the design process. He further reported proposed changes to the WestWorld facility would be flexible for all community events and would be able to co-exist with the equestrian events. He reiterated they were given the charge to maximize the benefit for our community at WestWorld and they believe they have done that. He noted this facility is too small to for large concerts. They also looked at where would be the least intrusive place to put a permanent stage to fit in with WestWorld.

Commissioner Heitel stated part of the Commission's charge is to ensure the last equestrian opportunity for Scottsdale remains. Ms. Burns stated the Department of Interior has regulations that the city is required to ensure they charge reasonable rates in terms of the market.

COMMISSIONER STEINBERG inquired if large type conventions would be held at WestWorld. Mr. Lare replied in the negative.

Commissioner Steinberg inquired if the surrounding infrastructure would support the masses of people coming to WestWorld. He commented he went to the Barrett Jackson car show and it took quite a while to get there. He inquired if this was reliant on hotel rooms to make this a successful expanded facility. Mr. Lare stated no but obviously, that would be a plus. He further stated it is hoped that the expanded facility would bring in more revenue to the City and be a showplace for Scottsdale.

Commissioner Steinberg stated his other concern with regard to the infrastructure is when the Horseman's Park project is fully built out it will generate a fair amount of traffic much more than exists right now and that will further add to the congestion. Mr. Lare stated traffic was one of the five issues and there is a plan to manage the traffic. He further stated there would be four levels of traffic control. He remarked those levels were not used this past week at the Barrett Jackson event.

COMMISSIONER HENRY stated there is a great opportunity for WestWorld to generate money if they go to a year round facility. She inquired if anyone has put a price tag on the cost to the city. Mr. Lare reported they have a very detailed cost estimate and it would probably be in the neighborhood of \$82 million as it stands.

Commissioner Henry stated the zoning is Western Theme Park WP zoning. She further stated she read in the newspaper today that they were going to build several sports fields. She noted nothing in the Commission packet refers to sports fields and the zoning does not list sports fields. She inquired if it was speculation on the sports fields or if that was true. Mr. Lare stated the sports fields are loosely defined, it would be up to the city regarding whether they do that, but they would be located on the 52 acre State Land parcel. They were looking for additional uses other than a parking lot. Mr. Ekblaw stated from the standpoint of the WP zoning they would have the ability to put in a parks municipal use on any particular site. The sports fields would be secondary and the primary purpose would be parking. This is something they could consider in the overall planning process. Commissioner Henry noted she did not believe it would be compatible with WestWorld.

COMMISSIONER OSTERMAN stated WestWorld is located within a flood plain. He inquired if any major event was flooded out. Mr. Lare replied in the negative. Commissioner Osterman inquired in the event something was to happen is there any plan to mitigate that threat. Mr. Lare reported the facility itself is part of the flood control protection in Maricopa County. It is a flood basin most of WestWorld is on a flood plain, but there are facilities that are built out of the flood plain. He discussed how the facility would be developed to address that situation.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

SUSAN WHEELER, 9616 E. Krail Drive, stated she is a member of the Arizona State Horsemen's Association and they did a study last year and horses brought in \$1.3 billion dollars into the state. She further stated WestWorld is considered a regional facility and not just a horse park for Scottsdale.

Ms. Wheeler stated she pulled up the map on the Internet and it shows that the arenas they are building for the citizens is outside the park boundary.

Ms. Wheeler commented it has been discussed that the weakness is because it is in a flood plain and because you can't have any trade shows. She further commented it is great for the horse community because it is in the flood plain.

Ms. Wheeler inquired because the coliseum is closing where will the state fair go. She stated she felt it should be written in blood that they would not raise the rates for small shows. There needs to be something written that the small equestrian shows stay at WestWorld and they are subsidized by the bigger shows.

AUTHUR MONES, 15050 N. Thompson Peak Pkwy, spoke in opposition to this request. He stated he would be contacting the BOR and he will get legal help if he needs to address the main point he wants to make. He further stated he is the Vice President of the Master Association that is across the cap from WestWorld. He reported on Saturday night there was a lot of noise in the interior of their complex from WestWorld. He further reported he called the police at 10:30 PM and the dispatcher advised him the noise was coming from the Birds Nest. He further reported he felt it should be stipulated in blood that the city will do something about noise abatement.

Mr. Mones stated they want the lights contained and the traffic mitigated. He further stated the 700 residents who live next to this facility are entitled to some protection from the city.

Mr. Mones stated the City is buying 52 acres of State Land for \$10 million. The bond vote in 2000 was turned down but with some manipulation, the city has found \$10 million to purchase that land. He further stated he felt there are better uses for that money than buying land for soccer fields. He added he felt there should be an earnest effort to determine how the \$10 million is being used.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

MS BURNS stated they have been working with the BOR since 1999 to acquire the 52 acres north of WestWorld. She presented information on the critical need for the 52 acres for the signature events held at WestWorld. She also presented information on the revenue streams they receive from the their agreement with the golf courses. She reported those revenues are used to pay off the debt service regarding the purchase of those 52 acres.

MR. LARE stated with regard to Ms. Wheeler's question about the information on the Internet, what is on the Internet is not correct. The trailhead would be within the WestWorld boundary.

COMMISSIONER OSTERMAN stated this 10 year master plan is a good extension of the 1998 Business plan for upgrading the facility. This will significantly improve the overall level of service as well as attracting a greater segment of the available equestrian events nationwide as well as numerous other venues as well. He concluded he would strongly support this plan.

COMMISSIONER HEITEL stated he would also be supporting this plan. He further stated he applauds the desire to upgrade this facility. He commented he would suggest a couple of stipulations that he would hope his fellow commissioners would consider. One, prior of the implementation of the master plan WestWorld will contact a minimum of 10 representatives from local equestrian user groups to identify a binding business plan to ensure the accessibility to those smaller groups under 200 users at rates that are competitive with similar local facilities. Two, he would suggest they add a stipulation that the 52 acre parcel that any use other than parking has to come back before the Planning Commission and City Council.

COMMISSIONER NELSEN stated he would reluctantly support this request. It is a move in the right direction. He further stated there have been too many opportunities to preserve equestrian properties around here and the powers to be would not listen that would have helped the local use of this facility. As is it is tough to ride to and it is going to be tough to ride to as growth increases. He remarked he hopes the focus is on equestrian use particularly the small local equestrian user. With respect to the other larger venues there needs to be a good bit of effort put into timing, consideration, and appropriateness because it is real easy to let that balance of use to slide. This facility needs protection in the future and he would go along with Commissioner Heitel

regarding to ensure the accessibility to those smaller groups under 200 users at rates that are competitive with similar local facilities. He further remarked he would agree with Commissioner Heitel's last point that it is healthy if they are going to use the 52 acre parcel for anything other than a parking lot that it come back through the process but he would support the idea of looking into getting double use out of that piece of property.

COMMISSIONER HENRY stated she would support this request because it is definitely needed. She further stated the emphasis should be to the equestrian community and the small user groups. She noted she would also support Commissioner Heitel's stipulations.

COMMISSIONER STEINBERG stated he would also support this request. It is a move in the right direction. He further stated he would echo his colleagues' sentiments regarding not precluding the small user groups. He remarked he would like to see more events that would bring the public there more often. He further remarked he would love to see it similar to the Phoenix Open where it is a major stop on the circuit for major equestrian events.

Commissioner Steinberg stated he is concerned about when Horseman's Park and some of the surrounding areas are fully developed because it might become more difficult to access but he is hoping with the four levels of transportation in and out they can overcome that.

CHAIRMAN GULINO stated he felt it was a good plan and he would support it. He further stated regarding the concerns relative to lighting and noise there is a specific stipulation in their report that when those elements go to the DR Board they pay close attention to those elements and they will be addressed in more detail at that level. With regard to the trails plan he does not see it connecting to what will eventually be our aquatic center and some of the parts to the east. If that is feasible, he would recommend they look at getting connectivity across Thompson Peak Parkway. He remarked he has concerns about people getting in and out of this facility during special events as this area along Bell Road grows it will only get worse. He further remarked he can't emphasize enough the City in conjunction with ADOT and MAG pay close attention to how they are going to move all these cars and people in out of this area.

MR. EKBLAW stated the item before the Commission this evening is the development plan having to do with the physical site plan. He further stated if the Commission wants to make comments on the business plan they can forward those comments in a separate letter to City Council but it would not be in the form of a stipulation. Ms. Boomsma stated the Commission could include a comment or a recommendation to the business plan but it would not be binding.

CHAIRMAN GULINO stated they can speak to character and that is really what the issue boils down to. The concern is that the venue is going to become big time and it is going to choke out the local smaller operators. They don't want to make a recommendation that might promote that. Mr. Ekblaw stated they would ensure the intent of the comment is made to City Council.

COMMISSIONER HEITEL stated he wants to be clear that he is not against a multi-use facility but this is the last opportunity for Scottsdale to keep a great equestrian facility. He further stated he just wants to ensure that the other events are not at the expense of the equestrian community.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 20-ZN-1992#2 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL WITH THE FOLLOWING ADDITIONAL STIPULATION:

IF ANY USES ARE CONTEMPLATED IN THE 52 ACRE STATE AREA OTHER THAN PARKING OR INCIDENTAL USES ON THE PARKING FACILITY THAT THOSE ISSUES HAVE TO COME BACK BEFORE THE PLANNING COMMISSION AND CITY COUNCIL FOR APPROVAL.

COMMISSIONER HEITEL STATED HE WOULD ALSO LIKE TO ADD A STRONG RECOMMENDATION THAT ATTACHES TO THIS MASTER PLAN THAT PRIOR TO IMPLEMENTATION OF THE MASTER PLAN THAT WESTWORLD WILL CONTACT A MINIMUM OF 10 REPRESENTATIVES FROM THE LOCAL USER GROUPS TO IDENTIFY A BUSINESS PLAN THAT WILL ENSURE ACCESSIBILITY FOR GROUPS UNDER 200 AT RATES THAT ARE COMPETITIVE WITH SIMILAR LOCAL AREA FACILITIES.

SECOND BY COMMISSIONER STEINBERG.

CHAIRMAN GULINO stated he would concur with Commissioner Nelssen that whenever they can get multiple uses on an investment it is a good way to go. He further stated if he is on the Commission when the use permit comes forward he would also support that.

COMMISSIONER OSTERMAN stated that he strongly encourages the DRB to pay attention to the lighting and noise issues in deference to the comment that was made by the resident. He further stated the city also needs to pay special attention to how they are going to move such high volumes of vehicles in and out of that facility.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

WRITTEN COMMUNICATION

There was no written communication.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 8:25 p.m.

Respectfully Submitted,

APPROVED

"For the Record " Court Reporters

APPROVED